

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

M.D., b/n/f Sarah R. Stukenberg, et al.,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 2:11-CV-00084

**PLAINTIFFS' AMENDED EXHIBIT LIST FOR
DECEMBER 4, 2023 SHOW CAUSE HEARING**

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|--------------------|-------------|--|-------------|-------------|-------------|---------------------|
| 1 | 4/21/2023 | Dkt 1350 - Letter from M. Lowry regarding Psychotropic Medication Utilization Request for PMC Class | | | | |
| 2 | 5/15/2023 | Email of Ora Chisom to Monitors re Request Joint Mtg w DFPS-HHSC for Heightened Monitoring Discussion w attachments | | | | |
| 3 | 6/5/2023 | Email from Ora Chisom to Monitors re HM policy (Dkt. 1384 Court Ex 5) | | | | |
| 4 | 9/19/2023 | Dkt. 1412 Update to K. Ryan Report to the Court | | | | |
| 5 | 11/10/2023 | Dkt 1442 Monitors' Supp Update to Court re RO 3, 7 and 8 and HHSC Provider Info | | | | |
| 6 | 6/1/2023 | PI Directive- Efficient Investigative Procedures and Documentation Practices in All Settings | | | | |
| 7 | 10/23/2023 | HHSC Provider Investigations Handbook | | | | |
| 8 | undated | TXDFPS - 24-Hour Residential Child Care Requirements - Residential Contracts (RCC) | | | | |
| 9 | 3/15/2023 | TXDFPS Addenda to the 24-Hour Residential Child Care Requirements | | | | |
| 10 | 6/2019 | TXHHS - Psychotropic Medication Utilization Parameters for Children and Youth in Texas Behavioral Health (6th Version) | | | | |
| 11 | 9/2019 | Superior Healthplan - Psychotropic Medication Utilization Review (PMUR) Process for STAR Health Members - FAQ and Stakeholder Manual | | | | |

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|----------------|-------------|---|-------------|-------------|-------------|-----------------|
| 12 | 10/2023 | TXHHS - Minimum Standards for General Residential Operations - Child Care Regulation | | | | |
| 13 | 10/2023 | TX HHSC - Minimum Standards for Child Placing Agencies - Child Care Regulations | | | | |
| 14 | undated | TXDFPS - Comparison of Minimum Standards, Residential Contract Requirements, and Service Level Indicators | | | | |
| 15 | 11/20/2018 | Dkt 606 Order | | | | |
| 16 | 12/17/2019 | Dkt 772 Order Regarding Workload Studies in November 20, 2018 Order | | | | |
| 17 | 3/18/2020 | Dkt 837 Order - Definitions Applicable to RO 20 | | | | |
| 18 | 6/16/2020 | Dkt 869 First Court Monitors' Report 2020 | | | | |
| 19 | 5/4/2021 | Dkt 1079 Second Report of the Monitors | | | | |
| 20 | 5/4/2021 | Dkt 1080 2021-05-04 Appendices to Monitor's Second Report – RCCI Intake Reports | | | | |
| 21 | 1/10/2022 | Dkt 1165 Third Report of Monitors | | | | |
| 22 | 6/2/2022 | Dkt 1247 Third Update to the Court re The Refuge for DMST | | | | |
| 23 | 6/2/2022 | Dkt 1248 Fourth Report of the Monitors | | | | |
| 24 | 1/20/2023 | Dkt 1318 Fifth Report of Monitors | | | | |
| 25 | 3/27/2023 | Dkt 1337 Update to the Court Regarding Site Visits Conducted between December 1, 2021 and December 31, 2022, and the Reopening of The Refuge for DMST | | | | |
| 26 | 6/25/2023 | Dkt 1380 Monitors Sixth Report | | | | |
| 27 | 6/27/2023 | Dkt 1384 Exhibit list and exhibits from hearing on 6-27-2023 | | | | |
| 28 | 6/27/2023 | Transcript from 6-27-2023 status conference (amended) | | | | |
| 29 | 1/10/2022 | Dkt 1171 Monitors' Report Regarding Safety of Settings Housing Children Without Placement and Site Visits | | | | |
| 30 | 9/13/2021 | Dkt 1132 Monitors' Update to Court Regarding Children Without a Placement House in CPS Offices, Hotels and Other Unlicensed Settings | | | | |
| 31 | 1/24/2023 | Dkt 1319 Monitor' Update to the Court Regarding Children Without Placement | | | | |
| 32 | 6/23/2023 | Dkt 1379 Update to the Court Regarding RO 35 Caseload Performance | | | | |
| 33 | 10/25/2023 | Dkt 1425 Monitors' Update to the Court Regarding PMC Children Without a Licensed Placement | | | | |

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|----------------|-------------|---|-------------|-------------|-------------|-----------------|
| 34 | 10/27/2023 | Dkt 1426 Monitors' Update to the Court Regarding RO 35 Caseload Performance | | | | |
| 35 | 7/17/2023 | Dkt 1393 Defs Obj. to Monitors' Sixth Report | | | | |
| 36 | 11/15/2023 | Dkt 1443 Defs Obj. to Monitors' Update to the Court Regarding PMC Children Without a Licensed Placement | | | | |
| 37 | 9/2/2023 | Dkt 1407 Monitors Resp to State's Obj to June 2023 Reports | | | | |
| 38 | 1/17/2022 | Dkt 1175 Transcript of Hearing on January 11, 2022 | | | | |
| 39 | 4/12/2023 | Transcript from hearing on April 12, 2023 (amended) | | | | |
| 40 | 5/1/2023 | Dkt 1352 Exhibit list and Court Exhibits from hearing on 5-1-2023 | | | | |
| 41 | 5/1/2023 | Transcript from 5-1-2023 status conference (amended) | | | | |
| 42 | 5/4/2023 | Dkt 1356 Hearing Transcript of 5/1/2023 Hearing | | | | |
| 43 | 6/1/2010 | TXHHS – Home and Community -Based Services (HCS) | | | | |
| 44 | 10/2020 | TXDFPS - Child Protective Services Handbook, Section 4133 | | | | |
| 45 | 10/2017 | TXDFPS - Child Protective Services Handbook, Section 11327 | | | | |
| 46 | 4/2023 | TXDFPS - Placement Summary (Form 2279) | | | | |
| 47 | 6/2023 | Application for Placement (Common Application) (Form 2087) | | | | |
| 48 | 9/2023 | Certification of Receipt of Child Sexual Abuse or Sexual aggression Information (Form 2279b) | | | | |
| 49 | 8/2023 | TXDFPS - CPS Rights of Children and Youth in Foster Care (Form 2530) | | | | |
| 50 | 2021 | TXDFPS - 2021 Annual Progress & Services Report - Targeted Plan - Health Care Oversight and Coordination Plan | | | | |
| 51 | 2022 | TXDFPS - 2022 Annual Progress & Services Report - Targeted Plan B - Health Care Oversight and Coordination Plan | | | | |
| 52 | 2023 | TXDFPS - 2023 Annual Progress & Services Report - Targeted Plan B - Health Care Oversight and Coordination Plan | | | | |
| 53 | undated | 26 Tex. Admin. Code §748.1119 | | | | |
| 54 | undated | 26 Tex. Admin. Code §748.2705 | | | | |
| 55 | undated | 26 Texas Admin Code §711.19 | | | | |
| 56 | undated | 37 Tex. Admin. Code §343.804 | | | | |

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|---------|------------|--|------|------|------|----------|
| 57 | 3/29/2022 | DFPS Vendor Contract, Premier Protection and Investigations, LP, DBA PPI Security | | | | |
| 58 | 2/9/2022 | DFPS Vendor Contract, Silver Shield Security Inc. | | | | |
| 59 | undated | TCOLE History, Texas Commission on Law Enforcement | | | | |
| 60 | 2/28/2023 | Basic Peace Officer Proficiency Certification Chart dated 2.28.2023 | | | | |
| 61 | 2/28/2023 | Intermediate Peace Officer Proficiency Certification Chart dated 02.28.2023 | | | | |
| 62 | 2/28/2023 | Advanced Peace Officer Proficiency Certification Chart dated 02.28.2023 | | | | |
| 63 | 12/2017 | De-escalation Techniques Course | | | | |
| 64 | 2015 | AACAP - Recommendations about the Use of Psychotropic Medications for Children and Adolescents Involved in Child-Serving Systems | | | | |
| 65 | 2/1/2007 | Letter from Dr. David Lakey, Commissioner with TX Department of State Health Services regarding revision to <i>Psychotropic Medication Utilization Parameters for Foster Children</i> with same attached | | | | |
| 66 | 4/11/2012 | ACF - Information Memorandum re Psychotropic Medication | | | | |
| 67 | 11/20/2013 | Psychotropic Medication for Children in Texas Foster Care Presentation | | | | |
| 68 | 9/7/2018 | TXDFPS - Contractor Noncompliance and Contract Remedies | | | | |
| 69 | 4/2020 | TXDFPS - Medical Services Resource Guide | | | | |
| 70 | 8/9/2021 | TXDFPS - Client Services SMP | | | | |
| 71 | 10/4/2021 | TXDFPS - Contract Monitoring | | | | |
| 72 | 9/26/2022 | TXDFPS - Review Reason: Risk-Based, Enhanced, Complaint, Follow-up | | | | |
| 73 | 9/5/2023 | TXDFPS - Management of Contract Records and Personal Identifiable Information | | | | |
| 74 | 9/5/2023 | TXDFPS - Risk Assessment Instrument (RAIs) | | | | |
| 75 | undated | TXDFPS - Residential Contract Managers | | | | |
| 76 | 4/2023 | TXDFPS - Sexual Incident History Resource Guide | | | | |
| 77 | 10/2023 | TXDFPS - Statewide Intake Policy & Procedures §4760 | | | | |
| 78 | | Not used | | | | |

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|----------------|-------------|--|-------------|-------------|-------------|-----------------|
| 79 | undated | TXDFPS Preponderance of Evidence - a guide to writing the most appropriate preponderance of evidence statements - Participant Manual | | | | |
| 80 | 9/21/2021 | Dkt 1137 Governor Greg Abbott's Advisory Concerning the Court's September 14, 2021 Inquiries | | | | |
| 81 | 12/14/2022 | Email from Katy Gallagher (HHSC) to Megan Annitto re Provider Investigations Questions | | | | |
| 82 | 11/22/2022 | TXHHS Oversight of the HHSC Home and Community-Based Services (HCS) Program - OIG Report No. AUD-23-002 | | | | |
| 83 | | Not used | | | | |
| 84 | 6/22/2023 | Attachment to Ora Chisom 6/22/2023 email Defendants' Comments on the June 17, 2023 Drafts of Monitor's Report | | | | |
| 85 | undated | HHSC Regulations § 711.1 - What is the Purpose of this Chapter | | | | |
| 86 | undated | Heightened Monitoring (HM) Considerations for Operations that Meet HM Eligibility Following Successful HM Release | | | | |
| 87 | 5/25/2023 | Excerpt of Dkt 1380, page 63 | | | | |
| 88 | 6/25/2023 | Excerpt from Dkt 1380, page 159 | | | | |
| 89 | 10/25/2023 | Excerpt from Dkt 1425, pages 3, 4, 6, 8 and 9 | | | | |
| 90 | 10/5/2023 | Dr. Christopher Bellonci Curriculum Vitae | | | | |
| 91 | undated | TXHHS - What is HCS | | | | |
| 92 | undated | TXDPS document regarding children without placement and child watch schedules | | | | |
| 93 | 11/3/2023 | Dkt. 1429. Defs Response to Third MOTION for Order to Show Cause as to Why Defendants Should Not be Held in Contempt | | | | |
| 94 | 10/2021 | TSDFPS Statewide Intake Policy & Procedures | | | | |
| 95 | undated | TXDFPS Region 08 Caseload Tracker Regional Plan | | | | |
| 96 | undated | 40 Tex. Admin. Code §707.469 | | | | |
| 97 | 9/22/2023 | Letter from Jennifer Sims, Deputy Commissioner of TXDFPS to Judges Jones, Hallford, and Mabray with update | | | | |
| 98 | 10/24/2023 | TXHHS - PMC/TMC Requirements - Provider Investigations | | | | |
| 99 | 11/21/2023 | TXDFPS - Children Without Placement Agency Efforts | | | | |
| 100 | 9/25/2023 | Email from N. Hoover to Dr. Van Ramshorst re Foster Care 4+ Meds PMUR Request | | | | |

| Ex. No. | DATE | Description | Off. | Obj. | Adm. | Not Adm. |
|----------------|-------------|--|-------------|-------------|-------------|-----------------|
| 101 | 11/16/2023 | Email from N. Hoover to Dr. Van Ramshorst re Request for Status Update -Plaintiffs' Attorneys PMUR Request | | | | |
| 102 | 11/28/2023 | Defendants' Response to Plaintiff's Interrogatories for Third Amended Motion to Show Cause per Court Order (Dkt. 1439) | | | | |
| 103 | 1/2014 | Child Care Licensing - Performance Management Unit - Report to Residential Child Care Management - Residential Care - Physical Abuse Investigations - Focus: Unable to Determine Dispositions | | | | |
| 104 | 10/3/2023 | Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action to Trish Evans | | | | |
| 105 | 5/12/2021 | Permanency Conference Plan - Jacqueline Juarez | | | | |
| 106 | undated | TX HHS Provider Investigations | | | | |
| 107 | undated | CPS Time Sheets - excel spreadsheets - D 050706 - D 050723 | | | | |
| 108 | 5/29/2023 | Joint Commissioner Briefing - Psychotropic Medication Utilization Review in Star Health | | | | |
| 109 | undated | Child Watch Demonstrative Exhibit | | | | |
| 110 | 11/28/2023 | Dkt 1447 Monitor's Supplemental Response to the State's Objections to the Sixth Report and Responses to the State's Objections to the Updates to the Court Regarding Remedial Order 3, PMC Children Without a License Placement, and Remedial Order 35 | | | | |
| 111 | 12/3/2023 | Dkt 1461, Monitors' Responses to the State's Objections to the Monitors' Supplemental Update to the Court Regarding Remedial Orders 3, 7 and 8 and HHSC Provider Investigations | | | | |
| 112 | 12/3/2023 | Dkt 1462 Update to the Court on the Prevalence of PMC Children Without Placement and Out of State Facility Placement | | | | |
| 113 | 1/10/2022 | Dkt 1166, Recommendations for Improving Texas' Safe Placement and Services for Children, Youth and Families | | | | |
| 114 | Undated | TXDFPS Child Without Placement Supervision and Overtime Policy | | | | |
| 115 | 2/13/2023 | Photos of Child Without Placement Site | | | | |
| 116 | Various | Psychotropic Medication Utilization Review Reports/Notices of PMC Children | | | | |

Dated: December 5, 2023

Respectfully submitted,

Samantha Bartosz (*pro hac vice*)
Stephen Dixon (*pro hac vice*)
CHILDREN'S RIGHTS
88 Pine Street
New York, New York 10005
(212) 683-2210
sbartosz@childrensrights.org

Marcia Robinson Lowry (*pro hac vice*)
A BETTER CHILDHOOD, INC.
355 Lexington Avenue, Floor 16
New York NY 10017
(646)795-4456
mlowry@ABetterChildhood.org

/s/ R. Paul Yetter
R. Paul Yetter
State Bar No. 22154200
Christian J. Ward
State Bar No. 24033434
Karla Rosali Maradiaga
Texas State Bar No. 24126746
YETTER COLEMAN LLP
811 Main Street, Suite 4100
Houston, Texas 77002
(713) 632-8000
pyetter@yettercoleman.com

Barry F. McNeil
State Bar No. 13829500
HAYNES AND BOONE, LLP
2323 Victory Ave., Suite 700
Dallas, Texas 75219
(214) 651-5000
barry.mcneil@haynesboone.com

ATTORNEYS FOR PLAINTIFFS AND THE GENERAL CLASS AND SUBCLASSES

CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2023, a true and correct copy of this document was served on all counsel of record via email or by using the Court's CM/ECF e-file system.

/s/ R. Paul Yetter
R. Paul Yetter